

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

GRUMP VENTURES, LLC,

C20-5906 TSZ

Plaintiff/Petitioner,

V.

MASON COUNTY,

Defendant/Respondent:

**Stipulated Order on Initial Hearing
and Order Granting Joint Motion to
Consolidate Cases, and Bifurcate
Claims**

Noted for November 13, 2020

This matter comes before the Court on Plaintiff/Petitioner Grump Ventures, LLC (“Grump”), Defendant/Respondent Mason County (“the County”), and Intervenor Defendant Hood Canal Gravel Mine Opposition Association’s (“HCGMOA”) Stipulation on Initial Hearing and Joint Motion to Consolidate, Bifurcate, and Stay Claims.

Having considered the parties' submission of this proposed Order and all relevant materials, and being fully advised,

IT IS HEREBY ORDERED:

STIP. ORDER ON INITIAL HRG AND ORDER GRANTING
JOINT MOT. TO CONSOLIDATE CASES, AND
BIFURCATE CLAIMS - 1
C20-5906 TSZ
112741

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1 **A. Jurisdiction, Hearing, and Pleadings**

2 1. Jurisdiction. The parties have stipulated that there are no jurisdictional or
3 other issues arising under RCW 36.70C.080(3).

4 2. Hearing on the Merits. The Court will hear the LUPA claims on the merits
5 based on the written administrative record (including transcripts) at a bench trial hearing
6 to be set by the Court.

7 3. Amending Pleadings. The parties are permitted to amend the pleadings in
8 accordance with the Federal Rules of Civil Procedure and Local Rules.

9 **B. Preparation of the Administrative Record on Review**

10 1. Payment for and Submittal of the Documentary Record. The County will
11 prepare the documentary record and notify Grump of the cost of preparation. Grump will
12 then have one week to submit payment to the County. If payment is timely made, the
13 County will file the certified documentary record with the Court and provide a courtesy
14 copy to the Court on or before January 20, 2021. Any corrections, additions, or
15 supplements to the Administrative Record, including the documentary record, not agreed
16 to by Grump, HCGMOA, and the County, shall require a motion to the Court.

17 2. Submittal of Verbatim Transcript. Grump shall order and pay for copies of
18 the tapes of the proceedings held on August 11, 2020, before the Hearing Examiner for
19 Mason County and shall have verbatim transcripts prepared by a court reporter at Grump's
20 expense, pursuant to RCW 36.70C.110. The verbatim transcripts shall be filed with the
21 Court by Grump on or before January 20, 2021.

22 3. Copies of the Record. If Grump or HCGMOA desire copies of portions or
23 all of the Administrative Record (documentary record and transcripts) they shall prepay to

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1 the County the cost of copying the portion of the record requested.

2 **C. Briefs**

3 1. Length of Briefs. Each parties' opening or responding brief and Petitioners'
4 reply brief shall comport with Local Rule 7(e)(3).

5 2. Form of Briefs. All briefs will comply with Local Rule 10(e).

6 3. Briefing Schedule. The briefing schedule shall be as follows:

7 Brief of Grump **February 19, 2021**

8 Brief(s) of the County
9 and HCGMOA **March 21, 2021**

10 Reply Brief of Grump **April 4, 2021**

11 **D. Date for Hearing on the Merits**

12 1. The hearing on the merits of Grump's Land Use Petition shall be held as
13 follows:

14 Date: May 10, 2021

15 Time: 9:00 AM

16 **E. Consolidation of Cases and Bifurcation of Claims**

17 1. Consolidation. Pursuant to LCR 42, *Grump Ventures, LLC v. Mason*
18 *County*, No. 3:20-cv-05906-TSZ is consolidated with *Brown et al v. Mason County*, No.
19 3:20-cv-05628-TSZ and all further pleadings shall be filed solely in that case.

20 2. Bifurcation of Claims. The consolidated case is bifurcated into two phases
21 pursuant to Federal Rule of Civil Procedure 42(b). The first phase will resolve Grump's
22 LUPA claims. The second phase of the case will resolve Grump's remaining damages
23 claims, the County's affirmative defenses to the damage claims and counterclaims, and
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1 HCGMOA's class certification, claims, and related defenses. The Court finds that
2 bifurcation would further convenience of, expedite, and economize resolution of this case.

3. Stay. The second phase shall be stayed until resolution of the first phase.

4. The Clerk is directed to file a copy of this order in this action and in
5 *Brown et al v. Mason County*, No. 3:20-cv-05628-TSZ.

6. The Clerk is directed to modify the caption of *Brown et al v. Mason*
7 *County*, No. 3:20-cv-05628-TSZ to include all plaintiffs and defendants.

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9 DATED this 18th day of November, 2020.

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12 Hon. Thomas S. Zilly
13 United States District Court Judge

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